

Palladium-Item

State funding cuts could reduce free legal aid

Indiana: Commission looks to fill gaps

By Pam Tharp

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Funding cuts in free legal aid for 2003 could mean less access to courts for the poor, but the District 9 Pro Bono Commission is hoping to fill the gap.

Indiana Legal Services, the primary provider of free legal aid in the state, is facing a \$1.05 million cut in its 2003 budget, said Courtney Mathews, a paralegal and local intake coordinator for Indiana Legal Services.

A drop in population revealed by the 2000 census is responsible for some of the funding cut, Mathews said. The agency also is in danger of losing \$470,000 over the next 18 months from the Violence Against Women Act, but is appealing that decision, Mathews said.

The cuts have meant staff reductions in Indiana Legal Services' Indianapolis office, eliminating one attorney, two paralegals and one administrator, Mathews said. The agency has only about a half dozen attorneys for 18 counties, Mathews said.

The other source of free legal aid in Indiana is through district pro bono commissions established by the chief justice of the Indiana Supreme Court. Under that program, civil cases for eligible clients are assigned to private attorneys who have agreed to participate. Union Circuit Judge James Williams, who oversees the District 9 Pro Bono Commission, is looking for more attorneys willing to volunteer for the program to cover the reduction in Indiana Legal Services' staff.

The commission will also contribute enough money next year to pay Mathews 15 hours a week, to offset a 40 percent cut in the Richmond Legal Services' office budget.

"This is an attempt to fill in behind Legal Services," Williams said. "We're stepping up our efforts and trying to recruit more attorneys to do pro bono work. We only ask that they take on one (free) case at a time."

The commission's funds come from interest generated by trust accounts of attorneys who participate in IOLTA, Interest On Lawyers Trust Accounts, Williams said. Attorneys often hold funds in trust for estates, in real estate actions or by court order, Williams said. The interest on nominal or short-term client accounts is now paid to the Indiana Bar Commission, which in January will pay \$405,000 to 14 pro bono districts in the state, he said.

The districts use the funds to operate pro bono offices and pay out-of-pocket expenses for attorneys who volunteer their time, Williams said.

That source of funding, though, could be in doubt in the future because the U.S. Supreme Court has agreed to hear a case from the 9th Circuit Court of Appeals on the constitutionality of using interest earned on client funds to support legal services for low-income residents. At issue is whether the interest generated properly belongs to the client, Williams said.

Until that question is resolved, interest funds will continue to help the local Legal Services office. To save money, the office will leave its current location at 401 S. A St. in Richmond and move back to the Genesis office at the YWCA, which provides support for battered women.

"We get a lot of referrals from Genesis, so that's a good thing. Our present location, though, was more accessible for anyone who needed services," Mathews said.

Twenty-nine attorneys in Wayne, Union, Fayette, Franklin and Rush counties participate in providing free legal services through the pro bono program, she said. The cases are all civil cases, primarily dealing with domestic issues, Mathews said. That's why it's difficult to find private attorneys willing to accept them, she said.

"These cases take time and they aren't easy. There are a lot of emotions involved. But there is a lot of need. Because of the cuts, it's very important to recruit more local attorneys," Mathews said.